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Docket No. 520.43239X00

Serial No.10/702,548

Office Action dated September 12, 2006**REMARKS**

By the present Amendment, claims 1-5, 7-10, 12, 13, and 15 have been amended. Claims 6, 11, and 14 have been canceled. Accordingly, Claims 1-5, 7-10, 12, 13, and 15 remain pending in the application. Claims 1, 7, 12 and 15 are independent.

In the Office Action of September 12, 2006, claims 1-15 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 6,937,553 issued to Mitui et al. This rejection is respectfully traversed.

In rejecting independent claim 1, the Office Action alleges that Mitui discloses a recording apparatus which reproduces information recorded on a recording medium. The apparatus is indicated as including a pickup which reads recording medium identify information that is recorded on the recording medium, a reproducing signal processing circuit which reproduces the recording medium identify information, memory for storing a plurality of recording medium identify information sets that have been processed by the reproducing signal processing circuit, and a controller which controls the reproducing apparatus. The Office Action further alleges that based on the recording medium identify information stored in the memory, the controller performs decision processing to determine whether to reproduce specific information recorded on the recording medium. The Office Action provides reference to various passages wherein the features recited in independent claim 1 are disclosed in Mitui.

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By the present Amendment, independent claim 1 has been amended to recite features that are not shown by the art of record. As amended, independent claim 1 defines a reproducing apparatus which reproduces information recorded on a recording medium comprising:

a pickup which reads information including recording medium identify information, a first content, and a second content recorded on the recording medium;

a reproducing signal processing circuit which reproduces the information read by the pickup;

a memory which stores a plurality of recording medium identify information sets which have ever been processed by the reproducing signal processing circuit; and

a controller which controls the reproducing apparatus;

wherein said controller permits reproduction of the second content when the recording medium identify information stored in the memory satisfies a predetermined requirement, and

wherein the first content can be reproduced whether or not the recording medium identify information satisfies the predetermined requirement.

According the reproducing apparatus of independent claim 1, a pickup is used to read information that includes recording medium identify information, a first content, and a second content that are all recorded on the recording medium. A reproducing signal processing circuit is used to reproduce the information read by the pickup. The apparatus also includes memory for storing a plurality of recording medium identify information sets which have been previously processed by the reproducing signal processing circuit at an earlier point in time. A controller is used for controlling the reproducing apparatus. According to independent claim 1, if the recording medium identify information stored in memory satisfies a predetermined requirement, then the controller is permitted to reproduce the second content.

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Additionally, the first content can be reproduced regardless of whether or not the recording medium identify information meets the predetermined requirements.

According to independent claim 1, certain contents can only be reproduced if a predetermined condition can be satisfied. At least one benefit achieved by such an arrangement is that consumers who purchase multiple content on different recording media that are part of a series can obtain special privileges that are not always available. Specifically, often times a consumer will buy multiple disks that are part of a series, only to have a recording studio release a boxed set that contains some bonus or special content. In order for consumers who have not purchased the boxed set to view the special content, they must spend additional money to purchase the boxed set. However, these consumers already own all of the individual disks, which they have previously purchased, and (typically) require only one additional disk that contains the bonus features.

According to independent claim 1, the reproducing apparatus includes memory for storing recording medium identify information sets corresponding to recording mediums that have ever been processed by the reproducing signal processing unit. Accordingly, each individual disk purchased by a consumer and played on the reproducing apparatus would be registered in the memory. This would allow the content provider to release a single disk, for example, containing the bonus content. Thus, a consumer who does not purchase the boxed set can purchase the individual bonus content and enjoy the features contained therein. Otherwise, a user who has not purchased all of the individual disks that comprise the boxed set would be prevented from viewing the individual disk containing the bonus content.

Mitui appears to disclose a recording apparatus for recording a duplicate of a product onto a recording medium where the product is a copyrighted digital product

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having a copy attribute embedded as a watermark. Mitui includes an acquiring unit that acquires the copy attribute embedded on the product and a changing unit for changing the acquired copy attribute into a copy attribute that shows no more copies can be made after the first copy. Mitui appears to be concerned with prevention of multiple copies of the copyrighted digital product. However, Mitui does not appear to provide any disclosure, or even suggestion, for storing plural kinds of content on the individual recording medium. Additionally, Mitui does not allow for selective reproduction of the different contents based on whether or not predetermined conditions (such as the consumer having purchased all the disks that comprise a set) have been satisfied. Specifically, Mitui fails to disclose features recited in independent claim 1 such as:

wherein said controller permits reproduction of the second content when the recording medium identify information stored in the memory satisfies a predetermined requirement, and

wherein the first content can be reproduced whether or not the recording medium identify information satisfies the predetermined requirement.

It is therefore respectfully submitted that independent claim 1 is allowable over the art of record.

Claims 2-5 depend from independent claim 1, and are therefore believed allowable for at least the reasons set forth above with respect to independent claim 1. In addition, these claims each introduce novel elements that independently render them patentable over the art of record.

Independent claim 7 defines a reproducing method for reproducing information that includes recording medium identify information, a first content, and a second content. The method comprises the steps of:

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reproducing recording medium identify information ;
storing a plurality of recording medium identify information sets
which have ever been processed;

reproducing the second content when the recording medium
identify information stored in the memory satisfies a predetermined
requirement; and

reproducing the first content whether or not the recording
medium identify information satisfies the predetermined requirement.
Independent claim 7 includes features that are somewhat similar to those

recited in independent claim 1, such as reproducing the second content when the
recording medium identify information stored in the memory satisfies a
predetermined criteria. As previously discussed with respect to independent claim 1,
these features are not shown or suggested by the art of record.

It is therefore respectfully submitted that independent claim 7 is allowable
over the art of record.

Claims 8-10 depend from independent claim 7, and are therefore believed
allowable for at least the reasons set forth above with respect to independent claim
7. In addition, these claims each introduce novel elements that independently render
them patentable over the art of record.

Independent claim 12 defines a program for controlling a reproducing
apparatus that reproduces information which includes recording identify information,
a first content, and a second content recorded on a recording medium. The program
executes the steps of:

reading out the recording medium identify information stored in a
memory of said reproducing apparatus; and

reproducing the second content when the recording medium
identify information read out from the memory satisfies a
predetermined requirement.

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As previously discussed, these features are not shown or suggested by the art of record.

It is therefore respectfully submitted that independent claim 12 is allowable over the art of record.

Claims 13 depends from independent claim 12, and is therefore believed allowable for at least the reasons set forth above with respect to independent claim 12. In addition, this claim introduces novel elements that independently render it patentable over the art of record.

Independent claim 15 defines a recording medium on which information is stored. The information includes, in part, a program that reproduces the second content when the recording medium identify information read out from the memory satisfies a predetermined requirement.

As previously discussed, these features are not shown or suggested by the art of record.

It is therefore respectfully submitted that independent claim 15 is allowable over the art of record.

For the reasons stated above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a Notice of Allowance is believed in order, and courteously solicited.

If the Examiner believes that there are any matters which can be resolved by way of either a personal or telephone interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

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AUTHORIZATION

Applicants request any shortage or excess in fees in connection with the filing of this paper, including extension of time fees, and for which no other form of payment is offered, be charged or credited to Deposit Account No. 01-2135 (Case: 520.43239X00).

Respectfully submitted,

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